

CHAPTER 2

Rules and Regulations for Kid Care CHIP (“Children’s Health Insurance Program”)

Eligibility

Section 1. Authority. This Chapter is promulgated by the Department of Health pursuant to the Child Health Insurance Program Act at W.S. §§ 35-25-101 through 35-25-111 and the Wyoming Administrative Procedure Act at W.S. § 16-3-101, *et seq.*

Section 2. Purpose and Applicability.

(a) This Chapter shall apply to and govern Kid Care CHIP. This Chapter shall become effective for Kid Care CHIP services provided on or after October 1, 2009.

(b) The Department may issue manuals, bulletins, or both, to interpret the provisions of this Chapter. Such manuals and bulletins shall be consistent with and reflect the policies contained in this Chapter. The provisions contained in manuals or bulletins shall be subordinate to the provisions of this Chapter.

Section 3. Introduction. This section is intended to provide uniform procedures for determining eligibility for Kid Care CHIP.

Section 4. Application Process. The Department shall follow the process described below when an individual makes a request for Kid Care CHIP:

(a) An application form shall be provided upon request;

(b) A separate application shall be required for each family, and the applicant shall be notified, in writing, of the result;

(c) The application may be mailed, delivered personally, faxed or submitted on-line to the Department;

(d) The application shall be accepted when complete and date stamped;

(e) Applicants shall be informed of the eligibility criteria and their rights and responsibilities for and services available under the program;

(i) An application shall be approved if the applicant is found to be eligible; or

(ii) An application shall be denied if the applicant: (1) is found to be ineligible; (2) does not provide all required information; (3) has withdrawn the

application; (4) is an inmate of a public institution; (5) is a resident in an institution for mental disease; (6) is a dependent of a state employee eligible for health insurance benefits; (7) has insurance or has dropped insurance willingly within the thirty (30) days before the application is filed; or (8) is age nineteen (19) or older.

(A) Documentation of the action taken and the reasons for the action shall be placed in the applicant's case file.

(B) The Department shall provide notice to the applicant of the determination.

(C) A completed application shall be acted upon within forty-five (45) calendar days from the date it is received.

(f) The applicant is not required to provide proof of income when a completed application is received, but the Department reserves the right to ask for that information at a later date. If the child was denied in the previous three (3) months for excess income or for failing the quality control process, proof of income can be requested before the application will be processed.

Section 5. Rights of Applicants. Applicants have the following rights:

(a) To apply without delay at any location designated by the Department to accept applications.

(b) To be accompanied or assisted by the person of choice in requesting or completing an application.

(c) To request assistance from the Department in completing an application.

(d) To apply for Kid Care CHIP at the Kid Care CHIP Central Office (at the Department in Cheyenne), either in person, by mail, by facsimile, on-line, or to leave the application at the Central Office, to have eligibility determined and maintained in the Central Office.

(e) The application and all personally identifiable information shall be kept confidential and shall not be disclosed, except as necessary, to determine or verify eligibility or in accordance with the rules of the Department.

(f) To be treated with respect and nondiscrimination, in accordance with applicable federal and state laws.

(g) Persons requesting program assistance shall be informed:

(i) Orally or in writing of the program eligibility factors and required

verifications;

(ii) In writing of the effective date of eligibility; and

(iii) In writing of their rights and responsibilities.

(h) The denial of an application for benefits is an adverse action, and an applicant is entitled to reconsideration and an administrative hearing pursuant to Chapter 1, Section 12.

Section 6. Responsibilities of Applicants.

(a) An applicant must complete an application in the form and in the manner specified in writing by the Department. The application must be:

(i) Completed;

(ii) Dated; and

(iii) Signed under penalty of perjury by the applicant's parent or guardian, or by the child, if the child is an emancipated minor.

(b) An applicant must cooperate fully in the process of determining eligibility, including the following:

(i) Provide any and all necessary information required by the application; and

(ii) Promptly provide a notice of change to reflect change in circumstances.

Section 7. Verifications. The following information can be verified, and such documentation would then be maintained in the individual's care file:

(a) Qualified alien status;

(b) Birth certificate;

(c) Proof of identity;

(d) Proof of American Indian or Alaska Native status; and

(e) Reasons for the denial of eligibility.

Section 8. Citizenship. Eligibility is limited to:

- (a) Citizens; and
- (b) Qualified aliens.

Section 9. Residents. Eligibility is limited to residents of Wyoming.

Section 10. Eligibility Determination.

(a) Eligibility shall be limited to eligible children. Eligibility shall be determined using the countable gross income of the family unit.

(i) Except as specified in paragraph (ii), eligibility shall be determined based on the child's family's countable income during the month in which they apply.

(ii) Income from self-employment or seasonal work shall be based on the monthly average of the family's annual countable income for the previous twelve (12) month period or current income.

(b) Resources. Resources shall not be used in determining eligibility.

Section 11. Eligibility Redetermination. The Department shall conduct twelve (12) month periodic reviews to determine continuing eligibility. Such reviews shall be done on forms and in accordance with procedures developed and specified in manuals or bulletins distributed by the Department.

Section 12. Eligibility Letters. The Department shall issue "Kid Care CHIP Eligibility Letters" to the parent or guardian of each insured notifying him or her of the approval of eligibility for the program. The letter shall include information about available participating insurance programs and specify which Kid Care CHIP plan the child(ren) are enrolled in.

Section 13. Duration of Eligibility. After being determined eligible, a child shall remain eligible for twelve (12) months following the effective date of eligibility until the child turns age nineteen (19), enters a public institution, moves out of state, reaches their lifetime maximum, becomes eligible for EqualityCare, requests that their Kid Care CHIP policy be closed and/or fails quality control, whichever comes first.

Section 14. Enrollment Freeze. Enrollment will be based on funding and monitored on a monthly basis. If it is determined that funds will not be available to continue the program, enrollment will be suspended via an enrollment freeze until adequate funding becomes available.